

IN THE UNITED STATES DISTRICT  
COURT EASTERN DISTRICT OF  
WISCONSIN

The ESTATE OF SYLVILLE K. SMITH, by	)	
Personal Representative Mildred Haynes,	)	No. 17-cv-862
Patrick Smith, and Mildred Haynes, on her	)	
own behalf,	)	
	)	
Plaintiffs,	)	JURY TRIAL DEMANDED
	)	
v.	)	
	)	
CITY OF MILWAUKEE, WISCONSIN	)	
and DOMINIQUE HEAGGAN-BROWN,	)	
	)	
Defendants.	)	

## EXHIBIT 16

Declaration of Dennis Waller

David B. Owens  
Danielle Hamilton  
LOEVY & LOEVY  
311 N. Aberdeen St, Third FL  
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The ESTATE of SYLVILLE K. SMITH,	)	
by Personal Representative Mildred	)	No. 2:17 cv 862-LA
Haynes, Patrick Smith, and Mildred	)	
Haynes, on her own behalf.	)	
	)	Hon. Lynn Adelman, presiding
Plaintiffs,	)	
	)	
v.	)	
	)	JURY TRIAL DEMANDED
CITY OF MILWAUKEE, WISCONSIN	)	
AND DOMINIQUE HEAGGAN-	)	
BROWN,	)	
	)	
Defendants.	)	

I, DENNIS WALLER, being first duly sworn, on oath do depose and state as follows:

2. I have been retained by Plaintiffs Estate of Sylville K. Smith, by Personal Representative Mildred Haynes, Patrick Smith, and Mildred Haynes, on her own behalf, to assess the actions of Officer Dominique Heaggan-Brown resulting in the shooting of Sylville Smith on August 13, 2016, and in particular to evaluate his actions as compared against generally accepted police practices, standards and training. I was also asked to review materials and evaluate the policies and practices of the Milwaukee Police Department related to the use of deadly force, the

early intervention program, and the response to and investigation of officer-involved shootings as well as the hiring, training, supervision, and discipline of officers.

3. My curriculum vitae, attached to this Declaration as Exhibit 1, is a true and accurate summary of my education, experience, training, and other work related to law enforcement and police practices.

4. My report dated January 4, 2019 and rebuttal report dated March 29, 2019, filed contemporaneously with this Declaration, contain the opinions that I have developed in connection with this case. They are attached here as Exhibits 2 and 3.

5. The opinions expressed in my report are based upon my extensive training and experience as a police officer, supervisor and chief, and as a longtime law enforcement instructor and adviser; and based upon my review of materials identified in Exhibits 2 and 3 related to the shooting of Sylville Smith. These opinions are expressed to a reasonable degree of professional certainty.

6. If asked to testify at trial, my testimony would be consistent with the reports of January 4, 2019 and March 29, 2019, and this declaration.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 22nd day of May, 2019.

  
Dennis Waller